

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of)	DOCKET NO. 900905-WS
Certificates Nos. 337-W and 292-S in)	
Martin County by HYDRATECH UTILITIES,)	ORDER NO. 24474
INC.)	
_____)	ISSUED: 5/6/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER

ORDER APPROVING STIPULATION, AMENDING CERTIFICATES TO
 INCLUDE ADDITIONAL TERRITORY, AND CLOSING DOCKET

BY THE COMMISSION:

Hydratech Utilities, Inc. (Hydratech) is a Class B water and wastewater utility providing service to approximately 4500 customers in Martin County, Florida. On November 6, 1990, Hydratech filed an application to amend Certificates Nos. 337-W and 292-S to include an additional 670 acres in southeast Martin County, Florida.

On November 29, 1990, Martin County (county) filed a timely objection to Hydratech's application. The county stated that provisions for utility service to portions of the requested area would not conform to the county's comprehensive plan. On February 18, 1991, Hydratech and Martin County filed a Stipulation and Settlement Agreement (agreement) which resolved the county's objection. A copy of the agreement is attached to this Order as Attachment A and by reference is expressly incorporated herein. Pursuant to this agreement, the county has withdrawn its objection based upon the utility's deletion of portions of the territory initially requested. We find that the agreement is a reasonable resolution of this matter and is in the public interest. Therefore, the agreement is approved.

Hydratech's application is in compliance with Section 367.045, Florida Statutes, and other statutes and administrative rules

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concerning an application for amendment of certificate. In particular, the notarized application contains:

1. A filing fee in the amount of \$1800, as prescribed by Rule 25-30.020, Florida Administrative Code.
2. Adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory in Martin County is described in Attachment B of this Order.
3. Proof of notice of application to all interested governmental and regulatory agencies and all utilities within a four-mile radius of the territory, and proof of advertisement in a newspaper of general circulation in Martin County, as prescribed by Rule 25-30.030, Florida Administrative Code.
4. Evidence that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.036, Florida Administrative Code.

As previously stated, the sole objection to the application has been resolved.

Hydratech will expand its water and wastewater treatment facilities. The lines within the proposed territory will be constructed and donated by developers. Hydratech will continue utilizing spray irrigation to a neighboring golf course for effluent disposal. Hydratech has obtained the required Department of Environmental Regulation construction permits for the plant expansions.

Hydratech has been under our jurisdiction since 1981 and has been providing satisfactory service to its customers. As a result, we believe that Hydratech has the capability to provide service to the additional territory. Therefore, we find that it is in the public interest to amend Certificates Nos. 337-W and 292-S to include the territory described in Attachment B of this Order, which by reference is incorporated herein.

Hydratech's existing rates and charges in its tariffs will be applied to the customers in the new service territory. As

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required, Hydratech has returned its certificates for entry to include the additional territory. Also, Hydratech has filed revised tariff sheets which reflect the amended territory description.

In consideration of the above, it is

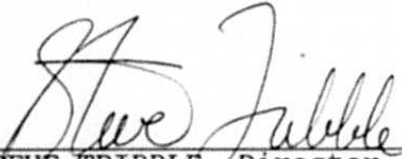
ORDERED by the Florida Public Service Commission that the Stipulation and Settlement Agreement attached to this Order as Attachment A and entered into by Martin County and Hydratech Utilities, Inc. is hereby approved. It is further

ORDERED by the Florida Public Service Commission that Certificates Nos. 337-W and 292-S, held by Hydratech Utilities, Inc. are hereby amended to include the territory described in Attachment B of this Order. It is further

ORDERED that the customers in the territory added herein shall be charged the rates approved in Hydratech Utilities, Inc.'s tariff. It is further

ORDERED that Docket No. 900905-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 6th
day of MAY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

ATTACHMENT A

STIPULATION AND SETTLEMENT AGREEMENT

THIS AGREEMENT made and entered into this 18TH day of December, 1990, by and between Hydratech Utilities, Inc. ("Hydratech") and Martin County, Florida.

W I T N E S S E T H:

WHEREAS, Hydratech Utilities, Inc. has filed an application dated November 6, 1990, with the Florida Public Service Commission for amendment of its water and sewer certificates to include additional territory in Martin County, Florida;

WHEREAS, Martin County, by and through the Martin County Attorney's Office, has filed an objection to said application and requested an administrative hearing on said objection; and

WHEREAS, Hydratech and Martin County desire to avoid the expenses of litigation and to resolve their differences, to the extent possible, with respect to the above-referenced application for amendment of water and sewer certificates and to that end to enter into a full and complete settlement.

NOW, THEREFORE, and in consideration of the premises set forth herein, the parties agree as follows:

1. Hydratech does hereby amend and otherwise modify its application for amendment of water and sewer certificates such that the service territory requested in Martin County, Florida, shall conform to the territory described by the legal description attached hereto as Exhibit "A." The filing of this Stipulation and Settlement Agreement with the Florida Public Service Commission

within Docket No. 900905-WS shall constitute and/or shall be read to request the amendment to such application.

2. Martin County does hereby withdraw its Petition Of Objection To Application For Amendment Of Water And Sewer Certificates, in Florida Public Service Commission Docket No. 900905-WS, and shall not refile same, in consideration for Hydratech's modification of its application, as reflected herein and described in Exhibit "A." The filing of this Stipulation and Settlement Agreement with the Florida Public Service Commission in Docket No. 900905-WS shall constitute and/or shall be read to request the withdrawal of that objection.

3. This Agreement will, in all respects, be interpreted, enforced and governed under the laws of the State of Florida. The language of all parts of this Agreement will, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against Hydratech as the initial author of this Agreement.

4. Nothing within this Agreement shall be construed to prevent Hydratech Utilities from filing subsequent amendments of its water and/or sewer certificates to include additional territory, including those territories specifically removed from this application by the modification herein, in accordance with, and as allowed by, Florida law.

5. Nothing within this Agreement shall be construed to prevent Martin County from objecting to any such subsequent

applications for amendment by Hydratech in accordance with, and as allowed by, Florida law.

6. The signatories hereto represent and warrant that they are vested with the authority to act as duly designated agents of the respective parties and to bind such parties to the promises, assurances, obligations, and conditions set forth herein.

7. Each party agrees to pay its own costs and attorney's fees incurred with respect to this matter.



F. Marshall Deterding, Esq.
ROSE, SUNDBSTROM & BENTLEY
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(904) 877-6555

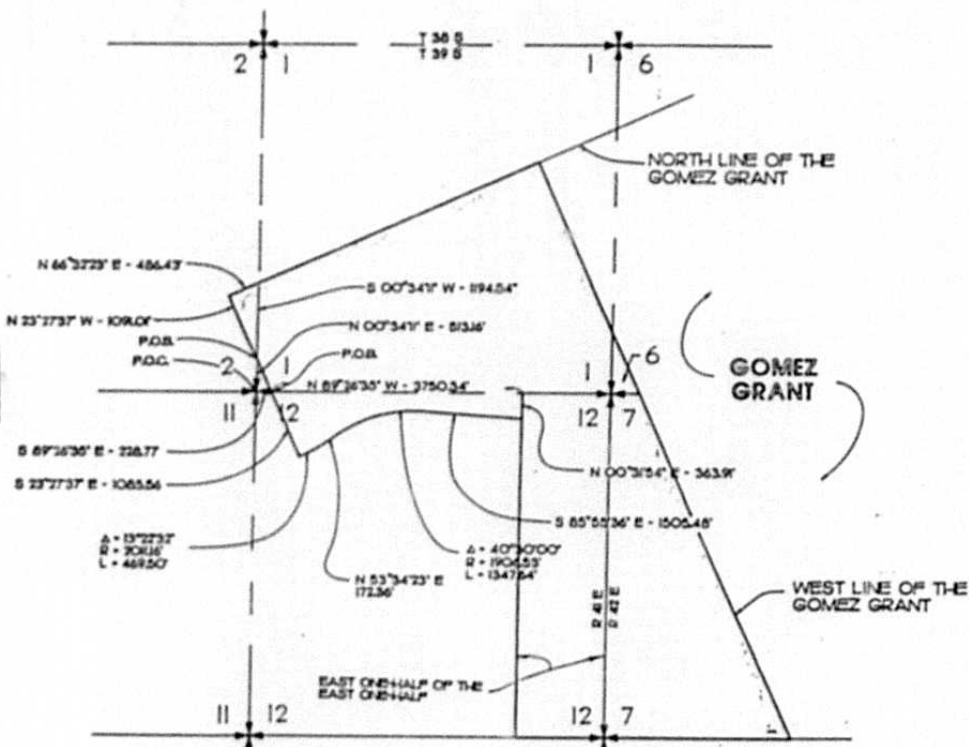
Attorneys for Hydratech



Johnathan A. Ferguson, Esq.
Assistant County Attorney
County Attorney's Office
Martin County
2401 South East Monterey Rd.
Stuart, FL 34996

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SKETCH FOR HYDRATECH UTILITIES



NOTE: THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY. SKETCH WAS PREPARED FROM OFFICE INFORMATION ONLY

2/1/91
 DATE OF SIGNATURE

Albert C. Allen III
 ALBERT C. ALLEN III, PLS
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATE
 NO. 4130

	SKETCH FOR HYDRATECH UTILITIES MARTIN CO., FLORIDA	
	Scale 1"=2000' Drawn By DWS	Date 01-30-91 Approved A.C.A.

LEGAL DESCRIPTION

ALL OF SECTION 1, TOWNSHIP 39 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF THE GOMEZ GRANT AND WEST OF THE WEST LINE OF THE GOMEZ GRANT.

ALSO:

A PORTION OF SECTION 2, TOWNSHIP 39 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE NORTH 00°34'11" EAST ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 513.16 FEET TO THE POINT OF BEGINNING; THENCE NORTH 23°27'37" WEST, A DISTANCE OF 1091.01 FEET; THENCE NORTH 66°32'23" EAST, A DISTANCE OF 486.43 FEET TO A POINT IN THE EAST LINE OF SAID SECTION 2; THENCE SOUTH 00°34'11" WEST, ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 1194.54 FEET TO THE POINT OF BEGINNING.

ALSO:

ALL OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF SECTION 12, TOWNSHIP 39 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA;

ALSO:

A PORTION OF SECTION 12, TOWNSHIP 39 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE SOUTH 89°26'35" EAST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 228.77 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 23°27'37" EAST, A DISTANCE OF 1085.56 FEET TO A POINT IN A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2011.16 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 469.50 FEET THROUGH A CENTRAL ANGLE OF 13°22'32", THE CHORD OF WHICH BEARS NORTH 60°16'03" EAST; THENCE NORTH 53°34'23" EAST, A DISTANCE OF 172.36 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1906.53 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1347.64 FEET THROUGH A CENTRAL ANGLE OF 40°30'00"; THENCE SOUTH 85°55'36" EAST A DISTANCE OF 1505.48 FEET; THENCE NORTH 00°31'54" EAST A DISTANCE OF 363.91 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 12; THENCE NORTH 89°26'35" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 3750.34 FEET TO THE POINT OF BEGINNING.

ALSO:


ALL OF SECTIONS 6 AND 7, TOWNSHIP 39 SOUTH, RANGE 42 EAST, MARTIN COUNTY, FLORIDA, LYING WEST OF THE WEST LINE OF THE GOMEZ GRANT.

NOTE: THIS LAND DESCRIPTION SHALL NOT BE VALID UNLESS:

A) PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS, WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION.

B) REPRODUCTIONS OF THIS DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYORS SEAL.

2/11/91
DATE OF SIGNATURE


ALBERT C. ALLEN III, P.L.S.
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE
NO. 4130


G C Y
Geomatics Corporation

1. THIS IS A PRELIMINARY SURVEY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
2. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS.
3. THE SURVEYOR'S SEAL IS EMBOSSED ON THE ORIGINAL DRAWING.

SKETCH FOR
HYDRATECH UTILITIES
MARTIN CO., FLORIDA

Scale 1/4" = 1'	Date 02-30-91	File & Drawing No. 90-1091-01-02
Drawn By DWS	Approved ACA	Sheet 1 of 1